

City Council Introduction: **Monday**, April 7, 2003  
Public Hearing: **Monday**, April 14, 2003, at **1:30 p.m.**

Bill No. 03R-89

## **FACTSHEET**

**TITLE:** **WAIVER OF DESIGN STANDARDS NO. 02023**, requested by Jacobson Land and Cattle Company and Cotswold Management, L.L.C., to waive street trees, street lights, sidewalks, paving and floodplain requirements in the Jacobson Addition Administrative Final Plat, on property generally located at South 7<sup>th</sup> and "N" Streets.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/27/02, 01/08/03, 02/05/03, 03/19/03  
Administrative Action: 03/19/03

**RECOMMENDATION:** Conditional Approval (9-0: Carlson, Duvall, Larson, Newman, Schwinn, Krieser, Steward, Bills-Strand and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. These waiver requests are in association with the Jacobson Addition administrative final plat currently being processed.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that although located in the 100-year floodplain, the subdivision of this property has been proposed for ownership purposes only. Even though no new development is proposed at this time, the Comprehensive Plan assumes there will be some expansion of existing and new industrial uses within the floodplain.
3. This application was deferred on three occasions due to revisions submitted on the associated administrative final plat.
4. The applicant's testimony is found on p.7.
5. There was no testimony in opposition.
6. On March 19, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval.
7. The conditions of approval required to be completed prior to scheduling this waiver on the Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 31, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 31, 2003

**REFERENCE NUMBER:** FS\CC\2003\WDS.02023

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

### **AMENDED STAFF REPORT**

**P.A.S.:** Waiver of Design Standards # 02023

**DATE:** Mar. 10, 2003

**SCHEDULED PLANNING COMMISSION MEETING**

**DATE:** Nov. 27, 2002

**DEFERRED UNTIL PLANNING COMMISSION MEETING**

**DATE:** Jan. 8, 2003

**CONTINUED UNTIL PLANNING COMMISSION MEETING**

**DATE:** Feb. 5, 2003

**PENDING UNTIL PLANNING COMMISSION MEETING**

**DATE:** Mar. 19, 2003

**PROPOSAL:** Waive street trees, street lights, sidewalks, paving, and subdivision ordinance requirements for the subdivision of land within the floodplain pertaining to Administrative Final Plat #02077.

**LAND AREA:** Approximately 2.25 acres, more or less.

**CONCLUSION:** Although located in the 100-year floodplain, the subdivision of this property has been proposed for ownership purposes only. Even though no new development is proposed at this time, the Comprehensive Plan assumes there will be some expansion of existing and new industrial uses within the floodplain.

**RECOMMENDATION:**

Conditional Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A part of Blocks 72 and 83, a part of the vacated east-west alley in Block 72, the vacated north-south alley in Block 72, a part of the vacated north-south alley in Block 83, a part of vacated "M" Street, and a part of the Burlington Northern and Sante Fe Railway Company right-of-way, all located in the Northwest Quarter of Section 26 Township 10 North Range 6 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

**LOCATION:** Approximately South 7<sup>th</sup> and "N" Streets.

<b><u>APPLICANTS:</u></b>	Jacobson Land and Cattle Company 7401 Stevens Ridge Road Lincoln, NE 68516 476-9500	Cotswold Management LLC 645 M Street Lincoln, NE 68508 477-7501
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**OWNERS:** (same as Applicants)

**CONTACTS:** John H. Jacobson J. Michael Rierden  
7401 Steven's Ridge Road 645 M Street, Ste. 200  
Lincoln, NE 68516 Lincoln, NE 68508  
476.9500 476.2413

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Cold storage and distribution facility, parking lot, vacant.

**SURROUNDING LAND USE AND ZONING:**

North:	Lumber yard	I-1 Industrial
South:	Office building, warehouse, distribution facility	I-1 Industrial
East:	Utility substation, steel plant, dairy production and distribution	I-1 Industrial
West:	Warehouse, scrap metal yard	I-1 Industrial

**HISTORY:**

Prior to 1979, this property was zoned L Heavy Industrial. As part of the 1979 update, the zoning was changed to I-1 Industrial.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Comprehensive Plan contemplates this area to remain industrial and commercial. This property is located 1 block west of an on-street bicycle route, which runs along 8<sup>th</sup> Street. This property is located in the 100-year floodplain.

Where development exists in the floodplain, it was assumed that the uses would continue, that existing structures could be enlarged, and that existing individual businesses could expand within floodplain areas per adopted regulations and standards. (F 34)

It was assumed that some new industrial and commercial development (between 10 and 20 percent of the total assumed growth in new industrial or commercial uses) could occur within areas already zoned or planned for industrial or commercial development in the delineated floodplain. (F 35)

**UTILITIES:** Public utilities are available.

**TRAFFIC ANALYSIS:** S. 6<sup>th</sup> Street is classified as a local street.  
S. 7<sup>th</sup> Street is classified as a local street.  
N Street is classified as a local street.

**ANALYSIS:**

1. This request is to waive street trees, street lights, side walks, paving, and the subdivision ordinance flood plain requirements associated with Administrative Final Plat #02077 Jacobson Addition.

2. This property is located in an established downtown industrial area within the 100-year floodplain. There are existing buildings and parking lots, however, no new development is proposed. The purpose for this request is to accommodate the subdivision of this property for ownership purposes. The proposed use of this property will remain the same as the current use.
3. Applicant's request for these waivers is based on his assertion that the required improvements either already exist, or cannot be provided due to site limitations. As further support, Applicant states that the property is already developed and there are no current plans to develop the property any further.
4. The specific waiver requests for N Street and 7<sup>th</sup> Street include paving, sidewalks, and street lights based on the assertion these improvements already exist, and street trees because there is no room for them. The sidewalk along 7<sup>th</sup> Street covers the entire width between the building and the curb, while on N Street, Applicant has a driveway and curb cut that extends the full width of the property.
5. The specific waiver requests for 6<sup>th</sup> Street include paving, sidewalks, street trees, and street lights. This request is based on the assertion that, although 6<sup>th</sup> Street is public right-of-way, none of these improvements will be needed because the vast majority of the 6<sup>th</sup> Street right-of-way is traversed by multiple railroad lines.
6. The waiver request relating to the floodplain requirements of the subdivision ordinance applies to all of the property. The subdivision ordinance requires additional information be submitted whenever land within the floodplain is being subdivided. This additional information is generally focused on reviewing any proposals for development, as well as providing flood calculations and raising the elevation of buildings to a point above the flood elevation.
7. Applicants assert that the existing buildings cannot be raised to meet the standard. However, a recent addition to one of the existing buildings was constructed in compliance with the floodplain requirements within the building permit process. Applicant's fully understand and acknowledge that any future development of this property will require compliance with the floodplain requirements of the building permit process.
8. Applicant, the Planning Department, and Public Works have worked together to draft language for a note to be added to Administrative Final Plat #02077. The purpose for this note is to clarify that floodplain regulations, as they pertain to building code regulations and building permits will be complied with at the time of any future development of this property. The inclusion of this note on Administrative Final Plat #02077, as well as a Subdivision Agreement, should be a condition of the approval of this request.
9. Public sidewalks are in place to serve the area included in this request. Public sidewalks exist along 7<sup>th</sup> Street and N Street. Public Works has not required public sidewalks along 6<sup>th</sup> Street adjacent to this property.

10. Public Works has no objection to the waiver of design standards for street trees, street lighting, sidewalks, and street paving for the area included in this request.
11. Parks and Recreation performed an on-site inspection on Feb 20, 2003. Their inspection revealed that the existing sidewalk is located directly back of curb, and there is inadequate room to plant any additional street trees due to space limitations. Parks and Recreation, therefore, recommends that the requirements for street trees be waived.
12. Building and Safety has not commented on this request.
13. The Planning Department recommends the conditional approval of this request based on the following conditions.

**CONDITIONS:**

1. After Applicants complete the following instructions and submit the documents and plans to the Planning Department office and the documents and plans are found to be acceptable, the application will be scheduled on the City Council's agenda.
  - 1.1 Revise the Administrative Final Plat to include the following note: "Administrative Final Plat, No. 02077 for Jacobson Addition is located within the 100-year floodplain. However, this subdivision is for ownership purposes only. Thus, the floodplain requirements included in Chapters 26.15 and 26.23 of the Subdivision Ordinance which are not found in Chapter 27.55 of the Zoning Ordinance are waived for the purposes of this plat. However, all other floodplain requirements in Chapter 27.55 of the Zoning Ordinance are *not* waived and shall be met at such time as a floodplain development permit is required by that Chapter."
  - 1.2 The subdividers have signed an agreement that binds the subdividers, their successors and assigns, to comply with any applicable floodplain regulations at the time of any additional development of this property.
  - 1.3 Submit one reproducible mylar original and three copies of the Administrative Final Plat to the Planning Department.
2. This approval waives the requirements for street trees, street lighting, sidewalks, paving in the abutting streets, and the subdivision ordinance requirements pertaining to the subdivision of land within the floodplain as such pertain to Administrative Final Plat #02077.

Prepared by:

Greg Czaplewski  
Planner

## WAIVER OF DESIGN STANDARD NO. 02023

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 27, 2002

Members present: Steward, Larson, Krieser, Bills-Strand, Carlson, Newman and Schwinn; Duvall and Taylor absent.

Staff recommendation: Approval.

This application was removed from the Consent Agenda and had separate public hearing at the request of staff.

The Clerk advised that the staff and applicant are requesting a deferral until January 8, 2003, to advertise an additional waiver request.

Bills-Strand moved to defer, with continued public hearing and administrative action scheduled for January 8, 2003, seconded by Steward and carried 7-0: Steward, Larson, Krieser, Bills-Strand, Carlson, Newman and Schwinn voting 'yes'; Duvall and Taylor absent.

There was no public testimony.

### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 8, 2003

Members present: Carlson, Bills-Strand, Larson, Newman, Taylor, Krieser and Schwinn; Steward and Duvall absent.

The Clerk announced that the applicant and staff have agreed to a four-week deferral.

Carlson moved to defer, with continued public hearing and administrative action scheduled for February 5, 2003, seconded by Newman and carried 7-0: Carlson, Bills-Strand, Larson, Newman, Taylor, Krieser and Schwinn voting 'yes'; Duvall and Steward absent.

### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 5, 2003

Members present: Carlson, Newman, Krieser, Taylor, Bills-Strand, Steward and Schwinn; Larson and Duvall absent.

Staff recommendation: Approval.

Greg Czapelewski of Planning staff reminded the Commission that this waiver request was previously deferred due to the request for an additional waiver. These waivers are associated with an administrative final plat. The applicant has since submitted a revised application for the administrative final plat and the boundaries have changed. Therefore, the boundaries of the waiver request have also changed. Czapelewski requested that this waiver request be placed on the Planning Commission's pending list.

Motion to place on pending was made by Carlson, seconded by Krieser and carried 7-0: Carlson, Newman, Krieser, Taylor, Bills-Strand, Steward and Schwinn voting 'yes'; Larson and Duvall absent.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Proponents

1. **John Jacobson of Jacobson Land and Cattle Company**, presented the application. He has owned the building for 25 years and recently purchased a piece of land behind it from the railroad. He then discovered that the lots next to him were for sale and he purchased them as well. He then purchased the Nash Finch building out at the airport and, as a consequence, this land became surplus to him. Cotswald Management is wanting to purchase the property and this waiver request was triggered by a change in the property line. This is a situation where there is a willing seller and buyer and the property will be kept as a parking lot and an undeveloped lot.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 19, 2003

Krieser moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

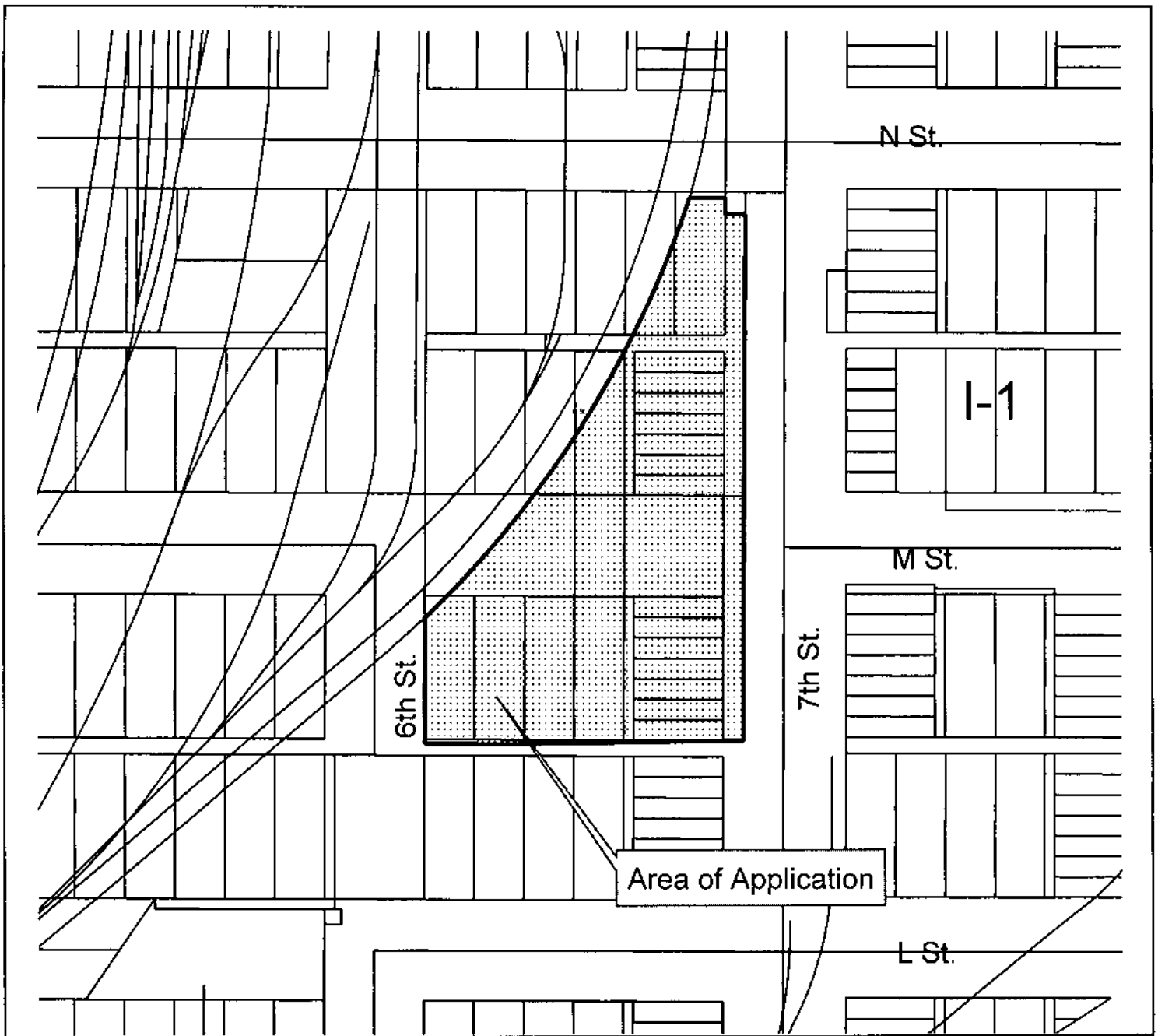


**Waiver of Design Standards #02023**  
**S. 7th & 'N' St.**



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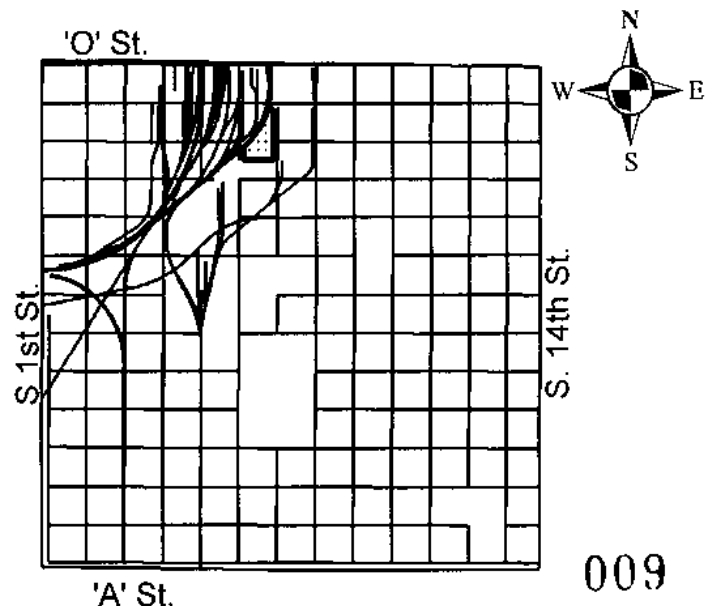
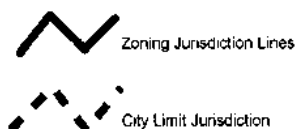


# **Waiver of Design Standards #02023** **S. 7th & 'N' St.**

## **Zoning:**

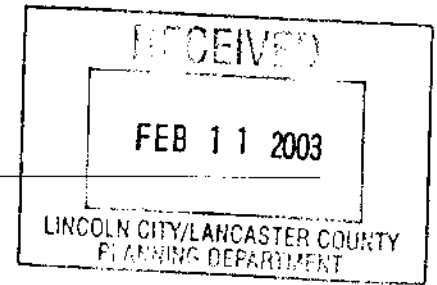
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 26 T10N R6E



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# M e m o r a n d u m



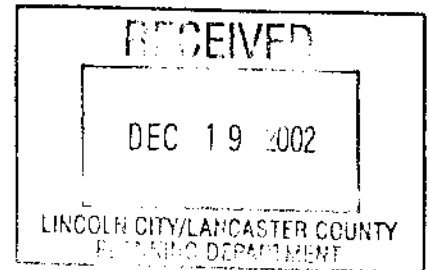
**To:** Greg Czaplewski, Planning Dept  
**From:** BB  
Bruce Briney, Public Works and Utilities  
**Subject:** Administrative Final Plat #02077, Jacobson Addition  
Waiver of Design Standards #02023.  
**Date:** February 7, 2003  
**cc:** Nicole Fleck-Tooze  
Randy Hoskins  
Doug Blum

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the revised application for Administrative Final Plat #02077 and the application for Waiver of Design Standards #02023 for Jacobson Addition located in the vicinity of South 7<sup>th</sup> Street between 'M' Street and 'N' Street. Public Works has the following comments:

- Show easements for public water and sanitary sewer mains.
- Public sidewalks are in place to serve the area included in Administrative Final Plat #02077.
- Public Works has no objection to the waiver of design standards for street trees, ornamental lighting, sidewalks and street paving for the area included in Administrative Final Plat #02077.

December 17, 2002

Mr. Greg Czaplewski  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE. 68508



Dear Greg,

This letter will add information to my earlier request for certain waivers on property covered in administrative plat # 02077. The adjoining streets are already paved and streetlights are already installed. Because our warehouse occupies some 8 feet of public access on the east and because all of the west property line borders or leads into the railroad right-of-way, there is no room for sidewalks or street trees. We are asking for a waiver to the flood plan requirements because most of the property is developed and no development is planned for the remainder.

Thanks for your help.

Respectfully,

Handwritten signature of John H. Jacobson.

John Jacobson



Nicole Tooze

02/18/2003 02:49 PM

To: Ray F Hill/Notes@Notes, Gregory S Czaplewski/Notes@Notes  
cc: Dale L Stertz/Notes@Notes, Benjamin J Higgins/Notes@Notes,  
Devin L Biesecker/Notes@Notes, Dennis D Bartels/Notes@Notes  
Subject: Jacobson Addition Floodplain Requirements

Ray and Greg,

Some suggested text for the Jacobson Addition AFP, per my discussions with Dennis Bartels and Lana Tolbert:

"Administrative Final Plat, No. 02077 for Jacobson Addition is located within the 100-year floodplain. However, this subdivision is for ownership purposes only. Thus, the floodplain requirements included in Chapters 26.15 and 26.23 of the Subdivision Ordinance which are not found in Chapter 27.55 of the Zoning Ordinance are waived for the purposes of this plat. However, all other floodplain requirements in Chapter 27.55 of the Zoning Ordinance are *not* waived and shall be met at such time as a floodplain development permit is required by that Chapter."

cc: Ben, Devin, Dennis, Dale

# Memo



**To:** Greg Czaplewski, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** February 20, 2003

**Re:** Jacobson Addition AFP 02077

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. On site inspection done on 02.20.03 and following noted:
  - A. Existing sidewalk is directly back of curb.
  - B. Existing overhead power lines
  - C. Inadequate room to plant street trees due to setback of existing building/parking lot.
  - D. If there were existing trees (as shown on the plan) there is no room to plant additional trees due to space limitations.

If the plan is to remain as is (i.e. building/parking lot remain), our office recommends a waiver to plant street trees as noted in items A – D.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.